

REMARKS**A. INTRODUCTION**

Claims 1-43 are pending and rejected.

The rejections of Claims 1-19 and 40-42 were under appeal. Applicants are requesting under 37 CFR § 41.39(b)(1) that prosecution be reopened in light of the new grounds of rejection under Section 101 provided in the Examiner's Answer. This Reply includes an Amendment relevant to the new grounds of rejection.

Upon entry of this Amendment:

- Claims 1, 5-7, 10, 13-16, 19 and 40-42 will be pending
- Claims 2-4, 8, 9, 11, 12, 17, 18, 20-39 and 43 will be cancelled without prejudice
- Claims 1, 5, 7, 40, 41 and 42 will be amended
- Claims 1 and 40-42 are independent

B. SECTION 101 REJECTION

Claims 1-37 and 40-42 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants respectfully traverse the Examiner's Section 101 rejections.

1. Claims 2-4, 8, 9, 11, 12, 17, 18 and 20-37 are Cancelled

The Section 101 rejection of cancelled Claims 2-4, 8, 9, 11, 12, 17, 18 and 20-37 is moot.

2. Claims 1, 5-7, 10, 12-16 and 19

1. (CURRENTLY AMENDED) A billing statement comprising:
viewable electronic data, the viewable electronic data comprising

a description of a transaction; and

an offer pointer associated with the transaction,

wherein the offer pointer was selected by a controller in
communication with at least one issuing bank device,

wherein the offer pointer comprises information for use to review
an offer via a consumer device,

wherein the transaction is one of a plurality of transactions described in the billing statement and the offer pointer is not associated with any other transactions described in the billing statement, and wherein the information comprises a Uniform Resource Locator.

Independent Claim 1 now recites additional features as indicated by the underlined terms above. No new matter has been added. Applicants submit that Claim 1 is directed to statutory subject matter for at least the reason that the recited billing statement comprises viewable electronic data. The billing statement also comprises an offer pointer selected by a controller in communication with at least one issuing bank device, and which comprises information for use to review an offer via a consumer device. Accordingly, the subject matter of independent Claim 1 is tied to one or more particular apparatus.

Applicants respectfully request the Examiner's reconsideration and withdrawal of the Section 101 rejection of independent Claim 1, and pending dependent Claims 5-7, 10, 12-16 and 19.

3. Independent Claim 40

40. (CURRENTLY AMENDED) A method comprising:
receiving transaction information associated with a plurality of transactions;
determining an offer pointer based on the transaction information, the offer pointer including information for use to review an offer associated with only one of the plurality of transactions; and
transmitting, by a controller in communication with at least one issuing bank device, the offer pointer to a consumer device of a customer via a billing statement comprising viewable electronic data for the plurality of transactions.

Independent Claim 40 now recites additional features as indicated by the underlined terms above. No new matter has been added. Applicants submit that Claim 40 is directed to statutory subject matter for at least the reasons that the recited method comprises transmitting, by a controller in communication with at least one issuing bank device, an offer pointer to a consumer device. Accordingly, the subject matter of independent Claim 40 is tied to one or more particular apparatus.

Applicants respectfully request the Examiner's reconsideration and withdrawal of the Section 101 rejection of independent Claim 40.

4. Independent Claim 41

41. (CURRENTLY AMENDED) A method comprising:
receiving transaction information associated with a plurality of transactions;
determining an offer based on the transaction information
wherein the offer is associated with only one of the plurality of transactions;
determining, by a controller in communication with at least one issuing bank device, an offer pointer, the offer pointer including information for use to review the offer; and
transmitting the offer pointer to a consumer device of a customer via a billing statement comprising viewable electronic data for the plurality of transactions.

Independent Claim 41 now recites additional features as indicated by the underlined terms above. No new matter has been added. Applicants submit that Claim 41 is directed to statutory subject matter for at least the reasons that the recited method comprises determining, by a controller in communication with at least one issuing bank device, an offer pointer, and transmitting the offer pointer to a consumer device. Accordingly, the subject matter of independent Claim 41 is tied to one or more particular apparatus.

Applicants respectfully request the Examiner's reconsideration and withdrawal of the Section 101 rejection of independent Claim 41.

5. Independent Claim 42

42. (CURRENTLY AMENDED) A method comprising:
receiving from a consumer device of a customer an offer pointer associated with [[a]] only one transaction of a plurality of transactions on a billing statement; and
transmitting, by a controller in communication with at least one subsidizing merchant device, viewable electronic data including an offer to the consumer device of the customer, the offer being associated with the offer pointer.

Independent Claim 42 now recites additional features as indicated by the underlined terms above. No new matter has been added. Applicants submit that Claim 42 is directed to statutory subject matter for at least the reasons that the recited method comprises receiving an offer pointer from a consumer device, and transmitting an offer by a controller to consumer device. The controller further is in communication with at least one subsidizing merchant device. Accordingly, the subject matter of independent Claim 42 is tied to one or more particular apparatus.

Applicants respectfully request the Examiner's reconsideration and withdrawal of the Section 101 rejection of independent Claim 42.

C. SECTION 112 ¶ 1 REJECTION

Claims 38-39 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains to make and/or use the invention. We respectfully traverse the Examiner's Section 112 ¶ 1 rejection of Claims 38-39.

However, as noted in Applicants' Appeal Brief and Reply Brief, Claims 38 and 39 were not appealed. Also, Applicants have cancelled Claims 38 and 39 with this Amendment. Accordingly, the Section 112 ¶ 1 rejection of Claims 38 and 39 is moot.

D. SECTION 102 REJECTION AND SECTION 103(A) REJECTION

Claims 1, 2, 10-13, 20, 21, 23, 30, 31, 35-43 stand rejected under 35 U.S.C. 102(b) as being anticipated by Carson et al. "College Accounting, Eighth Edition" (Carson).

Claims 3-9, 14-19, 22, 24-29 and 32-34 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Carson.

1. Claims 2-4, 8, 9, 11, 12, 17, 18, 20-39 and 43 are Cancelled

The Section 102(a) and 103(a) rejections of cancelled Claims 2-4, 8, 9, 11, 12, 17, 18, 20-39 and 43 are moot.

2. Claims 1, 5-7, 10, 13-16 and 19

Independent Claim 1 has been amended and now provides for the following feature: *wherein the transaction is one of a plurality of transactions described in the billing statement and the offer pointer is not associated with any other transactions described in the billing statement*. No new matter has been added. Various embodiments described in the disclosure allow for an offer pointer or offer that is associated with only one transaction, even if more than one transaction is described or listed in a billing statement.

For example, a statement offer or an offer pointer may appear above or below information regarding a transaction to which the statement offer or offer pointer is associated. Moreover, a single statement offer or offer pointer may be associated with one or more listed transactions.

[Specification, page 15, lines 19-23 (emphasis added)].

Applicants respectfully submit that Carson does not teach or suggest a billing statement in which a plurality of transactions are described, but an offer or offer pointer is associated with only one of the transactions. To the contrary, Carson describes a calculation associated with a total amount for a billing statement, and accordingly does not teach or suggest the recited subject matter allowing for a particular offer and/or offer pointer to be associated with only a single particular transaction.

For at least this reason, Applicants respectfully submit that independent Claim 1 is allowable over the cited Carson reference. Applicants respectfully request reconsideration and allowance of independent Claim 1 (and dependent Claims 5-7, 10, 13-16 and 19).

3. Independent Claim 40

40. (CURRENTLY AMENDED) A method comprising:
receiving transaction information associated with a plurality of transactions;
determining an offer pointer based on the transaction information, the offer pointer including information for use to review an offer associated with only one of the plurality of transactions; and
transmitting, by a controller in communication with at least one issuing bank device, the offer pointer to a consumer device of a customer via a billing statement comprising viewable electronic data for the plurality of transactions.

Independent Claim 40 has been amended and now recites as indicated above. No new matter has been added. As discussed above with respect to Claim 1, various embodiments described in the disclosure allow for an offer pointer or offer that is associated with only one transaction for a billing statement that is associated with more than one transaction. [See, e.g., Specification, page 15, lines 19-23].

Applicants respectfully submit that Carson does not teach or suggest a billing statement associated with a plurality of transactions, but an offer or offer pointer is associated with only one of the transactions.

For at least this reason, Applicants respectfully submit that independent Claim 40 is allowable over the cited Carson reference. Applicants respectfully request reconsideration and allowance of independent Claim 40.

4. Independent Claim 41

41. (CURRENTLY AMENDED) A method comprising:
receiving transaction information associated with a plurality of transactions;

determining an offer based on the transaction information
wherein the offer is associated with only one of the plurality of transactions;
determining, by a controller in communication with at least one issuing bank device, an offer pointer, the offer pointer including information for use to review the offer; and
transmitting the offer pointer to a consumer device of a customer via a billing statement comprising viewable electronic data for the plurality of transactions.

Independent Claim 41 has been amended and now recites as indicated above. No new matter has been added. As discussed above with respect to Claim 1, various embodiments described in the disclosure allow for an offer pointer or offer that is associated with only one transaction for a billing statement that is associated with more than one transaction. [See, e.g., Specification, page 15, lines 19-23].

Applicants respectfully submit that Carson does not teach or suggest a billing statement associated with a plurality of transactions, but an offer or offer pointer is associated with only one of the transactions.

For at least this reason, Applicants respectfully submit that independent Claim 41 is allowable over the cited Carson reference. Applicants respectfully request reconsideration and allowance of independent Claim 41.

5. Independent Claim 42

42. (CURRENTLY AMENDED) A method comprising:
receiving from a consumer device of a customer an offer pointer associated with [[a]] only one transaction of a plurality of transactions on a billing statement; and
transmitting, by a controller in communication with at least one subsidizing merchant device, viewable electronic data including an offer to the consumer device of the customer, the offer being associated with the offer pointer.

Independent Claim 42 has been amended and now recites as indicated above. No new matter has been added. As discussed above with respect to Claim 1, various embodiments described in the disclosure allow for an offer pointer or offer that is associated with only one transaction for a billing statement that is associated with more than one transaction. [See, e.g., Specification, page 15, lines 19-23].

Applicants respectfully submit that Carson does not teach or suggest a billing statement associated with a plurality of transactions, but an offer or offer pointer is associated with only one of the transactions.

For at least this reason, Applicants respectfully submit that independent Claim 42 is allowable over the cited Carson reference. Applicants respectfully request reconsideration and allowance of independent Claim 42.

E. ADDITIONAL COMMENTS

Our silence with respect to the Examiner's other various assertions not explicitly addressed in this paper, including assertions of what the cited reference(s) teach or suggest, the Examiner's interpretation of claimed subject matter or the Specification, or the propriety of any asserted combination(s) of teachings, is not to be understood as agreement with the Examiner. As the Examiner has not established an unrebuttable prima facie case for rejecting any of the claims as pending, for at least the reasons stated in this paper, we need not address all of the Examiner's assertions at this time. Also, the absence of arguments for patentability other than those presented in this paper should not be construed as either a disclaimer of such arguments or as an indication that such arguments are not believed to be meritorious.

F. PETITION FOR EXTENSION OF TIME TO RESPOND & AUTHORIZATION TO CHARGE APPROPRIATE FEES

We do not believe that any fees are necessary for this response.

Please grant a petition for any extension of time required to make this Response timely. Please also charge any other appropriate fees set forth in 37 C.F.R. §§ 1.16 – 1.18 for this paper and for any accompanying papers to:

Deposit Account: 50-0271

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Please credit any overpayment to the same account.

G. CONCLUSION

It is submitted that all of the claims are in condition for allowance. The Examiner's consideration is respectfully requested.

If the Examiner has any questions regarding this paper or the present application, the Examiner is cordially requested to contact Michael Downs at telephone number (203) 461-7292 or via electronic mail at mdowns@walkerdigital.com.

Respectfully submitted,

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